

Congress enacted legislation as part of the Agriculture Appropriations bill (Pub. L. No. 106-387) that purports to address prescription drug price discrimination by allowing the importation of lower priced foreign drugs. In reality, however, the drug reimportation provisions contain numerous loopholes that will prevent the law from reducing drug prices for seniors and other U.S. customers. One of the loopholes in the reimportation provisions creates a labeling “Catch 22” under which drugs cannot be imported into the United States unless the drug manufacturer consents to the importation by authorizing the importer to use the FDA-approved label. Because of the loopholes in the legislation, former HHS Secretary Donna Shalala determined that the law could not be successfully implemented. **Documents and Links**

- [Summary of the Labeling Loophole](#)
- [Analysis of the Labeling Loophole](#)
- [Rep. Waxman's Statement](#)
- [Letter from HHS](#)